

## **REMARKS**

### Status of the Claims

With this paper, claims 50, 54, and 55 are amended. Support for the amendments can be found throughout the present specification and claims as originally filed, e.g., page 3, line 19. No new matter has been added.

Now pending are claims 50-92; claims 56-58, 64-67, and 69-75 stand withdrawn as directed to non-elected subject matter.

Applicants note with appreciation the Examiner's withdrawal of certain grounds of rejection previously of record. Applicants request further consideration of the application in view of the amendments and remarks herein.

### Interview Summary

Applicants thank the Examiner for the courtesy of a telephonic interview conducted on April 29, 2008 (the "Interview"). During the Interview, the status of the claims and the rejections of record were discussed. Certain proposed amendments to the claims were also discussed, but no final agreement was reached.

### Rejections under 35 U.S.C. §112, first paragraph

In the Office Action, claims 50-55, 59-63, 68, and 76-92 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. This rejection is traversed.

The Office Action alleges that the term "substantially insoluble" does not find support in the application as filed. Without agreeing with this statement, and solely to expedite prosecution and allowance of the application, the pending claims have been amended to delete the language "substantially". Applicants contend that the rejection is therefore moot.

Claims 54, 76-84, and 91 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. This rejection is traversed.

The Office Action states that “the claims encompass a multitude of prodrugs neither contemplated nor disclosed by the as-filed disclosure.” Applicants do not agree and contend that the application as filed provides sufficient written description and enablement for the claims as previously pending. However, solely to expedite prosecution and allowance of the application, claim 54 has been amended to recite that the prosthetic group R<sup>5</sup> is a beta-D-galactosyl moiety. This language was present in claim 55, which was not rejected on this ground, and Applicants submit that the rejection has been overcome.

Reconsideration and withdrawal of the rejection is proper and such action is requested.

Rejection under 35 U.S.C. §112, second paragraph

In the Office Action, claims 50-55, 59-63, 68, and 76-92 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. This rejection is traversed.

The Office Action alleges that the phrase “wherein the enzyme is unique to tumor cells” is vague. Without agreeing with this statement, and solely to expedite prosecution and allowance of the application, pending claims 50 and 54 have been amended. Claims 50 and 54 now include the phrase “wherein the enzyme is only produced by tumor cells or is produced at concentrations that are higher than that in normal tissues”. Support for this language is found in the application as filed, for example, at page 3, lines 18-21. Applicants contend that the rejection has been overcome.

Reconsideration and withdrawal of the rejection is proper and such action is requested.

Status of the Application

During the Interview, the Examiner indicated that allowance of the examined species will result in additional species being examined. Applicants respectfully request the rejoinder and consideration of the withdrawn subject matter.

Conclusion

For at least the foregoing reasons, Applicants request reconsideration of the application. Early and favorable action is requested.

Applicants request any extension of time necessary for consideration of this response. If for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**, under Reference No. 64856 (70207), Customer No. 21874.

Dated: May 21, 2008

Respectfully submitted,

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